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Elimination of racism, racial discrimination, xenophobia and related intolerance: elimination of racism, racial discrimination, xenophobia and related intolerance

Contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, prepared pursuant to General Assembly resolution 71/179.

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Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Summary

The present report is submitted pursuant to General Assembly resolution 71/179 on combating glorification of Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in which the Assembly requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to prepare a report on the implementation of the resolution, on the basis of views collected from Governments and non-governmental organizations, for submission to the Assembly at its seventy-second session.

The Special Rapporteur has provided a summary of the contributions received from 10 States on the implementation of resolution 71/179, as well as of the contributions from non-governmental and other organizations containing their views on the subject. The Special Rapporteur then sets out his conclusions and recommendations.

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I. Introduction

1. The present report is submitted to the General Assembly pursuant to Assembly resolution 71/179 on combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in which the Assembly requested the Special Rapporteur to prepare, for submission to the Assembly at its seventy-second session and to the Human Rights Council at its thirty-fifth session, reports on the implementation of that resolution, based on the views of Governments and non-governmental organizations.

2. The General Assembly specifically expressed deep concern about the glorification, in any form, of the Nazi movement, neo-Nazism and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations glorifying the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements.

3. The General Assembly emphasized once again the recommendation of the Special Rapporteur that any commemorative celebration of the Nazi regime, its allies and related organizations, whether official or unofficial, should be prohibited by States (see A/71/325, para. 68), and also emphasized that such manifestations do injustice to the memory of the countless victims of the Second World War and negatively influence children and young people. In that regard, the Special Rapporteur stresses the importance for States to take measures in accordance with international human rights law to counteract any celebration of the Nazi SS organization and all its integral parts, including the Waffen SS. Failure by Member States to effectively address such practices is incompatible with their obligations under the Charter of the United Nations.

4. Also in resolution 71/179, the General Assembly expressed concern about recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and in that regard urged Member States to fully comply with their relevant obligations, inter alia, under article 34 of the protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts.

5. In addition, the General Assembly noted with concern the increase in the number of racist incidents worldwide, including the rise of skinhead groups, which have been responsible for many of those incidents, as well as the resurgence of racist and xenophobic violence targeting, inter alia, persons belonging to national or ethnic, religious and linguistic or other minority groups, including arson attacks on houses and vandalizing of schools and places of worship.

6. The General Assembly reaffirmed that such acts might be qualified as falling within the scope of the Convention, that they might not be justified when they fall outside the scope of the rights to freedom of peaceful assembly and of association, as well as the right to freedom of expression, and that they might fall within the scope of article 20 of the International Covenant on Civil and Political Rights and might be subject to certain restrictions, as set out in articles 19, 21 and 22 of the Covenant.

7. In the same resolution, the General Assembly expressed deep concern about attempts at commercial advertising aimed at exploiting the suffering of the victims of war crimes and crimes against humanity committed during the Second World War by the Nazi regime. It stressed that the practices described in the resolution did

injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and by those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and might negatively influence children and young people. The Special Rapporteur echoes the view of the Assembly that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter, including those relating to the purposes and principles of the Organization.

8. The General Assembly also recalled the recommendation of the Special Rapporteur presented at the sixty-fourth session of the Assembly, in which he emphasized the importance of history classes in teaching the dramatic events and human suffering that arose out of the adoption of ideologies such as Nazism and Fascism (A/64/295, para. 104). The Special Rapporteur again stresses the importance of other positive measures and initiatives aimed at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives, which requires continued State support.

9. In accordance with the practice established in his previous reports, the Special Rapporteur summarizes in the present report the information received on relevant activities undertaken by Member States in the implementation of resolution 71/179. In a letter dated 14 March 2017 addressed to Member States, as well as to non-governmental organizations, the Special Rapporteur requested information on the implementation of the resolution. As at 10 July 2017, replies had been received from Colombia, El Salvador, Guatemala, Italy, Kazakhstan, Romania, the Russian Federation, Saudi Arabia, Serbia and Venezuela (Bolivarian Republic of). The Special Rapporteur wishes to thank all those who contributed to the present report and regrets that he was not able to consider submissions received after that date.

10. The original submissions received by the Special Rapporteur are on file with the Secretariat and are available for consultation.

II. Contributions received from Member States

A. Colombia

11. The Government of Colombia has informed the Special Rapporteur that it considers itself to be a multi-ethnic State and reaffirms the diverse racial and ethnic origins of its citizens and their valuable contributions to the nation. The Government condemns all forms of discrimination "that do not respect a people's national identity". Article 13 of the Political Constitution of 1991 provides that all persons are born free and equal before the law and should be given equal protection and treatment by the authorities.

12. The Government has adopted strategic guidelines for public policy to create conditions for equal opportunities and comprehensive social development. It also promotes affirmative action programmes and takes into account the exclusionary and discriminatory social practices that have historically affected minority populations. The national development plan for the period 2014-2018 includes specific actions for the various regions and their populations, including actions aimed at particular ethnic groups. The plan provides for an intersectoral commission to prepare a national plan for the International Decade for People of African Descent, including a celebration of Afro-Colombian heritage. The Government is also implementing a national strategy for

a human rights culture, which aims at implementing measures for changing behaviour that are contrary to the principles of human rights.

13. The Government has also informed the Special Rapporteur that the Ministry of the Interior implemented a "More equality and less discrimination" campaign, which aimed at tackling indifference and ignorance with regard to the right to equality and non-discrimination. The campaign included awareness-raising tools, such as pocket-sized brochures, radio and television spots and the dissemination of messages in the public transport system and through social networks, reaching more than 1 million people in the country's main cities. The Government also developed and implemented a national campaign entitled "Hour against racism" to celebrate the Afro-Colombian identity. The event is observed on 21 May and involves public institutions, the private sector and civil society.

14. The Government has developed an online course entitled "Afro-Colombia: recognition, justice and development", designed for civil society, public officials and members of the armed forces. The course covers the history of people of African descent throughout the world and their contributions to the building of the nation of Colombia. Efforts are also under way to enhance the capacity of public officials at the national and local levels to undertake affirmative action programmes to combat racism and promote respect for the rights of members of the black, Afro-Colombian, Raizal and Palenquero populations. By the end of 2017, those efforts will have reached at least 1,000 officials.

15. Provisions against racial discrimination are provided for in the Criminal Code. Under Act No. 1482 of 2011, discrimination on the grounds of race, nationality, gender, sexual orientation or disability is criminalized. Infractions are punishable by 12 to 36 months imprisonment. Harassment is also considered an offense. Legislators in Colombia are currently drafting a bill requiring the provision of equal opportunities for the Afro-Colombian population, recognizing the right of the black and Afro-Colombian communities to ethnic identity and ensuring affirmative actions to guarantee the principle of equality for members of those groups.

16. The Government recalls that the Observatory on Racial Discrimination is a mechanism for monitoring and following up on discriminatory and racist acts in order to produce input for public policy, and notes that the Ministry of the Interior and the Office of the Presidential Adviser for Human Rights are part of the Ibero-American Network of Agencies and Organizations against Discrimination.

B. El Salvador

17. The Government has informed the Special Rapporteur that, following the appropriate consultations, the Directorate General for Comprehensive Social Development has indicated that it has no information to provide in connection with the resolution, given that in El Salvador there is no glorification of Nazism or of any of the organizations relating to it, and Nazi atrocities are denounced in teaching materials for history classes.

C. Guatemala

18. The Government of Guatemala has informed the Special Rapporteur that Guatemala is a multicultural, multilingual and multi-ethnic country. According to data, 41 per cent of the population identifies as being members of indigenous groups, including the officially recognized Mayan, Garifuna and Xinka groups. A total of 51 per cent of the indigenous population are women. The Government

stressed that indigenous women are particularly vulnerable to poverty, extreme poverty, discrimination, invisibility and exploitation.

19. The Government recognizes that historical racism is a deeply rooted phenomenon in Guatemalan society. In order to address the phenomenon, the development of the indigenous peoples of the country is required. In that regard, the Government refers to the study entitled "Diagnostic of racism in Guatemala", conducted in 2006, in which the conclusion was drawn that structural racism particularly affected indigenous persons.

20. Although the Government has no specific information to report on the situation of glorification of Nazism or neo-Nazism in the country, it refers to a number of measures implemented in order to combat racism and racial discrimination.

21. The Government has outlined the numerous institutions that play a role in the promotion of the rights of indigenous peoples, indigenous women and persons with disabilities. It referred to the policies currently being implemented, in particular the public policy for coexistence and the elimination of racism and racial discrimination; the national policy for the promotion of the integral development of women; the agenda for Mayan, Garifuna and Xinka women, and the national policy for persons with disabilities.

22. The Government noted that it has amended its criminal legislation and introduced as offences acts of discrimination, including discrimination on the basis of gender, ethnicity, race and disability status. The Government also referred to the actions implemented on the margins of the International Decade for People of African Descent.

D. Italy

23. The Government has reported that it accepted 176 of the 186 recommendations that were made in the context of the second cycle of the universal periodic review process of the Human Rights Council and has taken note of the remaining 10. The Government underlined the fact that all recommendations concerning the principle of non-discrimination had been accepted and that Italy was "strongly committed" to their "full implementation at the national and local levels".

24. The Government indicated that, as part of that commitment, the country's legislative framework had evolved. It has reported that offences such as defamation and menace now constitute aggravating circumstances, if deemed to be discriminatory or based on ethnic, national, racial or religious hatred. The Government highlighted that this means that the offender would face ex officio prosecution, a higher sanction and the nullification of applicable mitigating circumstances. On 16 June 2016, Italy amended article 3 of Act No. 654/1975, in compliance with articles 6, 7 and 8 of the Rome Statute of the International Criminal Court to include definitions of international crimes and the prohibition of denials of the Holocaust. Article 112 of the Constitution provides that public prosecutors are obliged to investigate any alleged discriminatory motive associated with a crime regardless of the findings of the police report. The Government has specified that, under articles 516-518 of the Code of Criminal Procedure, the court can admit additional evidence, should new elements emerge. In Italy, victims of discrimination may thus resort to criminal procedures, administrative court procedures and civil procedures.

25. The Government also made reference to the actions it had undertaken to address discrimination. The Observatory for Security against Discriminatory Acts

monitors criminal offences, such as racial hate or incitement to racist violence. The National Office against Racial Discrimination records, through its Contact Centre, instances of discriminatory behaviour, racial stereotypes and bias in the media and on the Internet. The National Observatory against Discrimination in the media and the Internet, created in January 2016, focuses its work on reporting hate speech posted online and also aims at analysing, learning about and understanding the issue. Thousands of online posts are analysed on a daily basis, and a substantial portion of the posts are catalogued and included in thematic reports. A smaller proportion of other posts, that are not included but still considered to be of a strongly discriminatory nature, are reported to social networks for removal or to law enforcement for investigation and prosecution.

F. Kazakhstan

26. The Government has informed the Special Rapporteur of its policy for strengthening national unity, which complies with the fundamental principles of resolution 71/179. Under the Constitution, all citizens of the country are equal and have the right to participate in State affairs, regardless of their ethnic origin, either through representative bodies or directly.

27. The Government has indicated that, under article 19 of the Constitution, citizens have the right to declare their ethnic identity or not, therefore, representatives of ethnic groups, which all have a high civil and social status, are considered to possess the full range of rights granted to the united people of Kazakhstan. The Ministry of Culture and Sports is also improving its activities in order to better promote national unity, in line with the decree to strengthen Kazakh identity, of 2015.

28. The Government has referred to the Assembly of the People of Kazakhstan, whose status is set out in the Constitution and whose members are elected according to the Act on the Assembly of the People and the newly adopted Act of the Republic of Kazakhstan. There are more than 900 ethnic and cultural associations in the country, which come together with regional organizations in the provincial assemblies. Members of the Assembly of the People are nominated in the provincial assemblies upon the recommendation of those associations. The Assembly selects nine of its members by rotation, in order to avoid competition among ethnic groups and sends them to the lower house of parliament. At its annual sessions, the Assembly considers issues relating to ethnic groups in order to formulate instructions for the Government.

29. The Government has reported that, in 2016, the President launched an annual Day of Gratitude, to celebrate the shared history and the unity of the Kazakh people.

I. Romania

30. The Government has reiterated its commitment to fighting discrimination and explained that, under the Criminal Code, discrimination constitutes an aggravating circumstance, notably in instances of torture or limitations of the rights of a person perpetrated by a public servant when on duty. The Criminal Code also defines incitement to hatred, genocide and crime against humanity as discriminatory acts, in articles 369, 438 and 439 thereof.

31. The Government reported that organizations, symbols and deeds with fascist, racist, legionary and xenophobic character and the glorification of those found guilty of genocide, crimes against humanity and war crimes are prohibited under

government emergency ordinance No. 31/2002. Such deeds include denying, contesting, approving, justifying or minimizing in an obvious manner, through any means, in public, the Holocaust or its effects. The Government has also noted how data on discrimination has been collected at the court level since 3 April 2015.

32. The Government noted the efforts undertaken to address hate crimes, including in training programmes for magistrates. It has underlined that training for future judges and prosecutors at the National Institute of Magistracy includes classes focused on instruments of European human rights law and on the provisions of Council of the European Union framework decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. Practical seminars on handling hate crimes are also organized, as well as conferences with specialists from the Romanian National Council for Combating Discrimination. The Government highlighted that the Institute collaborated with the Superior Council of Magistracy in implementing a project aimed at improving access to justice for Roma citizens and members of other vulnerable groups, using data collection, centres for primary legal assistance, and awareness-raising and training of judges. Between 2014 and 2016, the Institute and the Superior Council collaborated on improving national anti-discrimination measures, with the assistance of legal professionals and civil society organizations. In 2016, two seminars on the fight against discrimination and the promotion of persons guilty of crimes against humanity and peace took place in Romania.

33. The Government highlighted the judgment rendered by the European Court of Human Rights in the case concerning *M. and C. vs. Romania*, in which the Court decided that the European Convention of Human Rights and Fundamental Freedoms had been violated when Romania had failed to properly investigate a hate crime incident. The judgment was discussed in a seminar in 2016, as well as in two other seminars on European Union law organized that same year.

34. The Government informed the Special Rapporteur about the inclusion of anti-discrimination items in primary, secondary, and upper-secondary school curricular and extra-curricular activities. The Government reported that it had cooperated with international organizations in the field of education and had trained the police extensively on combating discrimination against minority groups. A unit to investigate hate crimes was established within the police. The Government has taken measures to better respect the dignity and fundamental rights of migrants, in accordance with national and European migration regulations, especially with regard to return procedures.

G. Russian Federation

35. The Government has informed the Special Rapporteur that the Russian Federation pursues a consistent policy of cultivating the systematic prevention of attempts to glorify Nazism or promote Nazi ideology or other ideas or theories of racial, ethnic, religious or social supremacy or that seek to justify or that encourage racial hatred or discrimination in any form, and it is consequently taking steps to eliminate any incitement to such discrimination. It complies strictly with its obligations to take all measures necessary to prevent Nazi and neo-Nazi organizations and movements from being formed or carrying on activities within its territory.

36. Under Act No. 114-FZ, the definition of extremist activity covers incitement to social, racial, ethnic or religious hatred; advocating exclusiveness or the superiority or inferiority of individuals on the grounds of belonging to a social, racial, ethnic, religious or linguistic group or on the grounds of their religious views; violating the rights, freedoms or legal interests of an individual or citizen based on membership

of a social, racial, ethnic, religious or linguistic group or on religious views; publicizing or publicly displaying Nazi paraphernalia or symbols, or paraphernalia or symbols that bear a confusing resemblance thereto, or publicly displaying paraphernalia or symbols of extremist organizations, as well as related acts. Such offences and crimes are classified in the law as administrative or criminal offences, depending on the degree of danger to the public.

37. The publication of materials advocating such activities or lending credibility to or justifying the need for such activities, including works by the leaders of the National Socialist German Workers' Party or the Fascist Party of Italy, is prohibited by law. It is also forbidden to use Nazi symbols in any form to insult the memory of the victims of the Great Patriotic War or to publicize or publicly display the paraphernalia or symbols of organizations that collaborated with groups, organizations, movements or individuals recognized as criminals or found guilty of committing crimes in judgments of the International Military Tribunal for the prosecution and punishment of the major war criminals of the European Axis (Nuremberg Tribunal).

38. The Government has informed the Special Rapporteur that its legislation contains provisions making it an offence (administrative or criminal, depending on the degree of danger to the public) to disseminate information about days of military glory, or other notable dates for the Russian Federation relating to the defence of the motherland, that expresses clear disrespect for society, or to desecrate symbols of the country's military glory in public. Under the Criminal Code, it is also an offence to destroy or damage cultural heritage sites (historical and cultural monuments) of the peoples of the Russian Federation that are included in the unified State register of such sites or recognized as cultural heritage sites.

39. The authorities are devoting serious attention to investigating and prosecuting those responsible for inciting hatred or enmity on racial, ethnic or religious grounds. In 2016, the law enforcement agencies of the Russian Federation identified 1,450 crimes involving Nazism; investigations were completed in 1,207 cases, and 933 criminal cases were sent to trial. In the criminal investigations that were completed, 934 individuals were identified as having committed crimes. In the first quarter of 2017, law enforcement agencies identified 421 such crimes, and 211 individuals responsible for committing them, in the 267 criminal cases that were sent to trial.

40. Work has continued on curtailing the activities of radical organizations that focus their activities on inciting racial hatred and promoting neo-Nazi ideology. In recent years, there has been an increase in the number of such crimes planned or carried out using the Internet. In 2016, such offences accounted for 63.2 per cent (526 of 831) of the total number of crimes covered by Act No. 114-FZ.

41. The Government has stressed that the competent authorities are also working to identify and block published information containing calls to carry out activities intended to promote racial, ethnic or religious hatred or propaganda or ideas of exclusivity or of the inferiority of individuals on any of those grounds. From February 2014 to April 2017, the authorities identified around 42,000 Internet sites containing material promoting ideas of racial intolerance, xenophobia and neo-Nazism. Monitoring of the mass media and websites to identify materials relating to Nazi or nationalist crimes that are being planned or have been committed and of the activities of radical groups is carried out by the Ministry of Internal Affairs, in cooperation with civil society organizations.

42. The authorities have also taken steps to combat prejudice that leads to racial discrimination and to increase mutual understanding, tolerance and friendship among nations and ethnic and religious groups. In that regard, multi-ethnic organizations and movements are encouraged, as are measures intended to break down race barriers and

create the conditions for intercultural dialogue. In order to develop inter-ethnic understanding and tolerance in all State and municipal general education establishments (at the primary school level) a comprehensive course of study on the foundations of religious cultures and secular ethics has been introduced into the curriculum. According to data from the Ministry of Education and Science, 1,435,318 pupils in the fourth grade studied the subject in the 2016/17 academic year.

43. Great efforts are made to preserve the memory of victims of the Holocaust and others who suffered under Nazism. The Ministry of Education and Science included 27 January, International Holocaust Remembrance Day, on the list of important events and recommended that appropriate activities be organized in the country's educational establishments.

44. Significant attention is being paid to preventing the spread of radicalism among young people. The Ministry of Education and Science coordinates activities among higher education establishments to organize cultural, educational and teaching events. Seminars were held in all constituent entities of the Russian Federation to discuss and exchange best practices on the work of civil society youth associations at higher education establishments in the area of taking steps to prevent radicalization among young people. Methods are also being developed to rehabilitate minors who have fallen under the influence of Nazi ideology, aggressive nationalism and extremism.

45. The Government has stressed that great attention is being paid to preserving the historical memory of the Great Patriotic War and the Second World War and preventing attempts to falsify history. Under Federal Act No. 80-FZ of 19 May 1995 on Perpetuating the Victory of the Soviet People in the Great Patriotic War, 1941-1945, the federal executive authorities, the executive authorities of the constituent entities of the Russian Federation and local authorities are responsible for conserving monuments to the Great Patriotic War and maintaining them in a condition befitting the dignity and respect due to the memory of the victory of the Soviet people in the Great Patriotic War.

46. Activities devoted to marking days of military glory and the important dates and heroic events of the Great Patriotic War, such as themed classes, visits to museums on war and military glory and local history museums, historical quizzes and literary contests, have been added to the curricula for educational establishments, and various measures have been taken in collaboration with city and district associations for war veterans, labour veterans and veterans of the armed forces and law enforcement agencies, along with other civil society organizations.

47. Furthermore, many activities to preserve historical memory were undertaken in the Russian Federation to mark the seventieth anniversary of the trials of the International Military Tribunal at Nuremberg. In order to disseminate information on the role of the prosecution services of the Union of Soviet Socialist Republics in the Nuremberg trials, articles and historical materials on the conduct and outcomes of the trials were published. A special Russian Federation-wide contest for student papers was held to coincide with the seventieth anniversary of the trials of the Nuremberg Tribunal.

48. In addition, many thematic events were held in the constituent entities of the Russian Federation.

H. Saudi Arabia

49. The Government has informed the Special Rapporteur that there are no Nazi groups or fanatics in Saudi Arabia. Nazism is not celebrated, nor have any

monuments been erected to it. There are no political parties associated with fanatical Nazi groups. The Government has informed the Special Rapporteur that religious fanaticism does not exist in Saudi Arabia in any form, nor is any minority made to suffer from harassment. Such behaviour constitutes a criminal act under Saudi law.

50. The Government provided information regarding national legislation on combating racial discrimination and its application, and the application of the International Convention on the Elimination of All Forms of Racial Discrimination and the recommendations of the Committee on the Elimination of Racial Discrimination, the Durban Declaration and Programme of Action and the right to freedom of peaceful assembly and of association and the right to freedom of expression. In that regard, the Government has stressed that Islamic sharia prohibits ethnic profiling and discrimination on the grounds of skin colour, race or similar characteristics. The Government has also indicated that Saudi law is compliant with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination in that it prohibits organizations, ideas, propaganda activities and media outlets that promote racial discrimination.

51. The Government provided information regarding minority groups, migrants, asylum seekers and people of African descent, as well efforts made in education and awareness-raising on human rights, sports and racism and hate speech on the Internet and social media.

I. Serbia

52. The Government has informed the Special Rapporteur that it prohibits all forms of discrimination, direct or indirect, and has developed a strategy for prevention and protection against discrimination for the period 2013-2018, the first comprehensive, strategic national strategy dedicated to fighting discrimination. The Government has established legislation that specifically prohibits discrimination and implements international human rights standards.

53. The Government has highlighted that it condemns without reservation any denial or attempted denial of the Holocaust and that it is taking measures to prevent the denial of the crimes against humanity and war crimes committed during the Second World War. The Government has explicitly criminalized the activities and symbols of neo-Nazi and fascist organizations. In Serbia, the Holocaust is commemorated through various events, including a national ceremony in memory of the victims of the Kragujevac massacre and the International Day of Remembrance of the Roma Victims of the Second World War.

54. The Government has stressed that it has been addressing the issue of discrimination against the Roma population. It has developed a strategy for the social inclusion of Roma in Serbia by 2025 and has formed a coordinating body to monitor its implementation. Progress has been made, and more Roma children and adults are receiving services such as personal identity documents and improved health care. Education of Roma students is encouraged through affirmative action programmes and pedagogical assistance from local governments. All members of national minority groups in Serbia are offered three modes of primary and secondary education, namely education in their mother tongue, bilingual education in their mother tongue and the Serbian language, and education in the Serbian language, with optional subjects in their mother tongue with elements of national culture.

55. The Government highlighted programmes relating to education for democratic citizenship that were first introduced in the 2001/02 school year in the form of a compulsory elective course in civic education. In the education system of Serbia, history classes place special emphasis on the understanding of historical and

contemporary changes and on building democratic values that include respect for human rights, development of intercultural dialogue and cooperation, understanding of diverse cultural and historical heritage and tolerance of different opinions and world views. Teachers in Serbia are specifically trained to address such issues as the Holocaust, fascism and war crimes.

56. The Government reported that the number of inter-ethnic incidents was 26.4 per cent lower in 2016 compared with 2015. In 2016, there were three recorded cases of damage to monuments in remembrance of the victims of the Second World War, and there were no reported activities of neo-Nazi and fascist organizations. The Government has also noted that the national police has encouraged greater participation from minority and vulnerable groups in identifying and resolving safety issues and hate crimes.

57. The Government has informed the Special Rapporteur that there are approximately 30,000 refugees and 203,000 internally displaced persons residing in Serbia, and more than 1 million immigrants and refugees from war-affected areas who have passed through the territory of Serbia without incident. The Government noted that it has supported migrants both financially and through policy programmes and that, in the past year, no physical attacks or racist speech towards migrants has been reported. In addition, the Government has reaffirmed its dedication to fighting human trafficking and reported that it has brought more than 2,000 charges for human trafficking and smuggling within its territory.

J. Venezuela (Bolivarian Republic of)

58. The Government has informed the Special Rapporteur about its legislative framework to combat racial discrimination, and indicated that the National Institute against Racial Discrimination leads the implementation of the policy against racism and discrimination, basing its actions on a number of different axes, namely integral prevention and coexistence in solidarity; a national system of attention to victims of discrimination; knowledge creation and socialization for the coexistence and security of citizens and strengthening policy for the control of firearms and ammunition and disarmament in the national territory. The Government also mentioned several of the actions and events implemented during 2016 by the National Institute.

III. Contributions received from non-governmental and other organizations

A. Coordination intercommunautaire contre l'antisémitisme et la diffamation

59. The organization has informed the Special Rapporteur about the situation of anti-Semitism among the French-speaking population in Switzerland. Even though Switzerland is spared for the most part from the violent acts perpetrated against Jews, compared with other European countries, the number of anti-Semitic acts recorded among the French-speaking population in Switzerland remains at a high level.

60. Whereas the greatest threat to Jewish communities in Europe is currently the anti-Semitic violence of jihadi terrorism, other sources of anti-Semitism are of major concern, in particular extreme right-wing groups, whose activities have grown and are associated with the rise in populism and the trivialization of extremism in Europe. Switzerland is not spared by that phenomenon. The wave of xenophobia and the rejection of immigration, as well as obsessive anti-Semitism,

remains a driving force for those movements. It should be noted that the extreme right groups in Switzerland benefit directly from the shortcomings of criminal law. The organization has stressed that Swiss law permits, with impunity, the existence of racist parties, the dissemination and sale of Nazi artefacts and the organization of neo-Nazi rallies and concerts.

61. The mobilization of Coordination intercommunautaire contre l'antisémitisme et la diffamation to defend the rights of victims of anti-Semitism has inherent limitations. It is difficult to combat the neo-Nazi, extremist, right-wing movements in Switzerland. The anti-racism norm in federal legislation does not allow the association to intervene in legal proceedings and it is regrettable that the Federal Council refused, in 2010, to add a penal norm to prohibit the wearing of Nazi and racist signs, as the organization wished. The organization stressed that it is imperative that the federal, cantonal and municipal authorities understand the importance of the issue. To date, the confederation has not yet developed a national strategy for the protection of religious communities.

62. With regard to the denial of the Holocaust, the organization has reported that a disturbing number of articles and remarks have been broadcasted in French-language media in Switzerland in 2016; 20 per cent of those recorded deny the facts, scope, mechanisms or intention of the genocide of the Jewish people by Nazi Germany. They are regularly published on the Internet, notably on blogs and websites, but also in so-called "independent periodicals". In the galaxy of negation in French-speaking areas of Switzerland in 2016, there remained several actors, known and active for decades, who have been previously condemned for their anti-Semitic and denialist remarks.

B. Dostoevsky Institute

63. The Dostoevsky Institute in Athens informed the Special Rapporteur about the rise of xenophobic and racist phenomena in Greece in 2016, with a total of 95 reported incidents of racist violence, involving more than 130 victims. According to the Institute, 31 of the 95 incidents were targeted at migrants or refugees, owing to their national or ethnic origin, religion or skin colour. An additional incident was targeted at the staff of humanitarian organizations in a care centre for refugees, and another at a journalist covering the refugee crisis, according to the Institute. The Institute indicated that an appeals court of first instance in Piraeus had upheld a decision of November 2016, in which four men had been found guilty of abducting, robbing and causing serious injuries to an Egyptian migrant in 2012.

64. The Institute also provided an account of xenophobic attacks perpetrated by Greek extremist groups. The Institute indicated that, in July 2016, a squat in Athens in which refugees had been sheltering was intentionally set alight by members of a far-right group, who had not been identified as at December 2016. The Institute has noted that far-right activists have been suspected of having attacked refugees in the Souda camp on Chios Island, injuring at least two of them, and a criminal investigation into the incident has been launched. The trial of leaders and members of the far-right neo-Nazi political party Golden Dawn who had been charged for the founding of a criminal organization and the murder of Pavlos Fyssas in 2013 was ongoing, as at December 2016.

65. The Institute has noted that there have been xenophobic incidents following a legislative provision adopted by the Greek parliament in August 2016, which had created special classes for about 580 children who were refugees, migrants and asylum seekers in Athens and Thessaloniki. It was reported that, in the Greek municipalities of

Oreokastro and Lesvos, some parents had refused to accept that their children should attend the same school as the beneficiaries of the legislative provision.

66. The Institute also made reference to xenophobic violence perpetrated by the police, such as the report that five Syrian teenagers had been stopped by police on 27 September 2016 in Central Athens and subsequently beaten and forced to strip naked during their detention at Omonoia police station. Another report indicated that three Roma men had also been beaten by police officers during their arrest and detention at a police station in western Athens in October 2016, and one of them had suffered a heart attack and been hospitalized.

67. The Institute has indicated that it was of the view that the rise in xenophobia in Greece is a result of the unprecedented economic and social crisis that the country has been facing.

C. Legal Information Centre for Human Rights (Estonia)

68. The Legal Information Centre for Human Rights has informed the Special Rapporteur about a case of glorification of Nazism at an annual gathering honouring the veterans of the Estonian legion of the Waffen SS. Although the Centre found the meeting to be less crowded and ostentatious than in previous years, the Centre indicated that Nazi paraphernalia have been displayed and that chaplains of the defence forces of Estonia have laid wreaths at both the memorial for deceased SS soldiers and the memorial for Red Army fighters. According to the Centre, the leader of the conservative party Pro Patria Res Publica Union, Margus Tsahkna, sent a message of greeting to the SS veterans.

69. The Legal Information Centre for Human Rights also indicated that anti-fascist activists from Finland and Latvia had been banned from entering Estonia to participate in a protest against the glorification of SS veterans. The Centre also indicated that Estonian police stopped the car of two Estonian nationals who had planned to denounce the decimation of the Roma community during the Second World War at the annual gathering honouring the veterans of the Estonian legion of the Waffen SS.

70. The Legal Information Centre for Human Rights commented on the funeral of former SS sergeant Harald Nugiseks, who died in 2014 and whose coffin was reported to have been carried at the funeral by soldiers of the Estonian army. The Centre noted that, in 2016, a bust of Mr. Nugiseks had been erected in his former school and that the current school director had claimed that the statue would encourage pupils to be patriotic.

D. International Federation for Human Rights — Latvian Human Rights Committee

71. The Latvian Human Rights Committee of the International Federation for Human Rights drew the Special Rapporteur's attention to the increasing number of events honouring Nazi collaborators, including a march that took place on 16 March 2017 in Riga honouring veterans of the Latvian legion of the Waffen SS, which drew more than 2,000 participants, including members of parliament from the co-ruling National Alliance party. Peaceful counter-protesters of the march, including members of the Latvian Anti-Nazi Committee, were ordered by the Riga city authorities to move away from the march. Five peaceful protesters were arrested by the police at the marches. The proceedings regarding the restrictions imposed by the city of Riga remained pending before the Supreme Court of Latvia, at the time of reporting. The Human Rights Committee also noted that the chair of

the parliament had taken part in another memorial on 16 March that honoured Latvian soldiers who collaborated with Nazi forces.

72. The Latvian Human Rights Committee recalled that events and memorials for anti-Nazi fighters were facing increased pressure in Latvia. In August 2016, a monument in the town of Limbazi to Soviet navy soldiers who had perished in 1941 was destroyed, on the initiative of Daugavas vanagi Latvija, a local non-governmental organization and the agreement of the municipality. In the annual report of the security police for 2016, issued in April 2017, reference was made to the unofficial celebrations of the Day of Victory over Nazi Germany as being threats to national security and promoting "Russia-created historical memory".

73. The Latvian Human Rights Committee stressed the importance of the strong condemnation of any form of discourse honouring collaboration with Nazi Germany or smearing those who fought against Nazism. The Committee suggested that government ministers and coalition members of parliament should refrain from participating in events honouring Nazi collaborators and that they not hinder anti-fascist and anti-Nazi protests. In conclusion, the Committee stressed that the Government of Latvia should be vigorous and consistent in prosecuting cases of hate speech while continuing to respect the freedom of speech.

E. Tsedaka Foundation

74. The Tsedaka Foundation, also known as the Foundation of the Holocaust Survivors, has informed the Special Rapporteur that there has been an increase in the level of xenophobia, anti-Semitism and other manifestations of intolerance in Bulgaria. Particularly worrying was the revival of Nazi ideas, together with the glorification of fascism and its symbols in the country. The Foundation referred to the so-called "Lukov march", a procession of young men dressed in black and carrying torches, in memory of General Lukov, leader of the Union of Bulgarian National Legions, an extreme nationalist, fascist and anti-Semitic organization active in the 1930s and 1940s. The "Lukov march" continues to take place, despite the fact that the Mayor of Sofia has denied the group permission to do so.

75. The Tsedaka Foundation has stressed that the glorification of Nazism and Fascism is a complex phenomenon that also relates to the current situation of uncertainty, given that, for many disillusioned young men, fascist and neo-Nazi ideas appear to provide an alternative to the current instability and a way to oppose the growing migration flows affecting the European continent and protect national values and national identity. For the Foundation, however, such perceptions are exceptionally dangerous, threatening the foundations of the otherwise traditionally tolerant Bulgarian community.

76. The Tsedaka Foundation indicated that efforts were being made to glorify politicians from the period when Bulgaria had been an ally of Nazi Germany and to present their actions as "patriotic" and as "defending national interests". The Foundation has also observed that efforts have been made to idealize the situation of the Jews in Bulgaria during the time of the anti-Semitic laws and to belittle their suffering, as well as to minimize the role of the pro-Nazi Bulgarian Government in the deportation of Jews from northern Greece and south Yugoslavia in 1943. Those were attempts to distort the past and to rewrite history, with no adequate reactions from the part of the Bulgarian authorities.

IV. Conclusions and recommendations

77. The Special Rapporteur is grateful to all States and other organizations for the information provided on the measures implemented pursuant to General Assembly resolution 71/179. He also appreciates the contributions received from civil society actors. He recalls the importance of full cooperation with his mandate, which was extended most recently by Human Rights Council resolution 34/35.

78. The Special Rapporteur notes that some submissions referred to the phenomena identified in resolution 71/179 and to the proliferation of extreme right-wing groups. Some referred specifically to a rise of anti-Semitic acts and rhetoric, which is of great concern. Others stressed that no such phenomena existed within their borders. The Special Rapporteur wishes to reiterate that the human rights and democratic challenges posed by extremist political parties, including populist movements and groups, are universal and no country is immune to them. He calls upon States and all other stakeholders to increase their vigilance and be proactive in strengthening efforts and political will to recognize and effectively address those challenges.

79. The Special Rapporteur also reiterates that any commemorative celebration of the Nazi regime, its allies and related organizations, whether official or unofficial, should be prohibited and the prohibition enforced effectively. The Special Rapporteur recalls paragraph 15 of resolution 71/179, in which the General Assembly stressed that such manifestations do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and by those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and may negatively influence children and young people, and that failure by States to effectively address such practices was incompatible with the obligations of States Members of the United Nations under its Charter.

80. In that regard, the Special Rapporteur recalls his condemnation of any manifestation of religious intolerance, incitement, harassment or violence against persons or communities on the basis of ethnic origin or religious belief. Furthermore, the Special Rapporteur remains concerned about the continued scapegoating of vulnerable groups, including migrants, asylum seekers and ethnic minority groups. Such forms of discourse remain powerful tools for politicians whose goal is to mobilize the masses to the detriment of social cohesion and human rights. The continued uncensored and unpunished expressions of supremacist, anti-Semitic and hateful opinions by some political leaders may be an indicator that societies are growing dangerously and increasingly tolerant of hate speech and extremist ideas.

81. The Special Rapporteur recalls recommendations made in several of his previous reports to the Human Rights Council (see A/HRC/23/24, A/HRC/26/50, A/HRC/29/47, A/HRC/32/49 and A/HRC/35/42) and to the General Assembly (see A/68/329, A/69/334, A/70/321 and A/71/325) and wishes to reiterate that those recommendations remain valid in the present context.

A. Political measures

82. The Special Rapporteur calls upon States and all stakeholders to counter extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements. Greater vigilance from all relevant actors is therefore important and requires a

comprehensive approach based on a solid legal framework, complemented by other key measures, including education and awareness-raising programmes, and victim-centred approaches, which should be further developed. Good practices such as those mentioned herein should be exchanged on a regular basis among all actors working in the field.

83. The Special Rapporteur reiterates his call to political leaders and parties to strongly condemn all messages disseminating ideas based on racial superiority or hatred, incitement to racial discrimination or xenophobia. Leaders should be aware of the moral authority that they represent and use it to promote tolerance and respect and refrain from forming coalitions with extremist parties of a racist or xenophobic character, taking into account the need to ensure that political and legal systems reflect the multicultural character of their societies.

B. Legislative measures

84. The Special Rapporteur welcomes the information provided regarding the ratification of a range of instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, and the inclusion of the Convention in national legal and constitutional frameworks. He urges those States that have not yet done so to ratify the Convention and make the declaration under article 14 thereof, thus providing the Committee on the Elimination of Racial Discrimination with the competence to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by a State party of any of the rights set forth in the Convention.

85. The Special Rapporteur encourages States to adopt the legislation necessary to combat racism, while ensuring that the definition of racial discrimination complies with article 1 of the Convention. He calls for the updating of national anti-racism legislation in the light of the increasingly open expression of hate speech and incitement to violence against vulnerable groups. In that regard, he recalls that any legislative or constitutional measures adopted should be in conformity with the relevant international human rights standards. He also urges States to implement their obligations under article 4 of the Convention and articles 19 to 22 of the International Covenant on Civil and Political Rights.

86. The Special Rapporteur notes with appreciation that several States have prescribed in their criminal codes that racist and xenophobic motivation constitute an aggravating circumstance, attracting heavier sanctions against not only instigators but also followers. While welcoming the information provided regarding measures taken to prevent discrimination against members of minority groups, people of African descent, Roma, migrants, refugees and asylum seekers and to ensure their integration into society, the Special Rapporteur urges States to ensure the full and effective implementation of legal, policy and institutional measures protecting those groups of individuals and recommends that States effectively guarantee to members of those groups, without discrimination of any kind, the rights to security and access to justice, adequate reparation, legal aid and appropriate information about their rights, as well as the prosecution and adequate sanction of those responsible for racist crimes against them, including the right to seek reparation for damages suffered as a result of such crimes.

87. The Special Rapporteur recalls paragraph 13 of the outcome document of the Durban Review Conference (A/CONF.211/8, chap. I), in which the Conference reaffirmed that any advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility or violence should be prohibited by law, as should all dissemination of ideas based on racial superiority, hatred or incitement to racial discrimination as well as all acts of violence or incitement to such acts. In that regard, the Special Rapporteur calls upon all States to respect the commitments made in the Convention and in the Durban Declaration and Programme of Action, which is a comprehensive framework for action against racism, racial discrimination and xenophobia.

C. Education and capacity-building

88. The Special Rapporteur recalls that education remains the most effective means of countering the negative influence that extremist political parties, movements and groups may have on young people. Recalling his thematic report of 2013 (see A/HRC/23/56), he recommends that States recognize the important role of education in combating racism, racial discrimination, xenophobia and related intolerance, especially in promoting the principles of tolerance and respect to ethnic, religious and cultural diversity and preventing the proliferation of extremist racist and xenophobic movements and propaganda. Law enforcement officials and members of the judiciary should also be provided with the capacity to address crimes motivated by racist, xenophobic, anti-Semitic or homophobic biases, through comprehensive and mandatory human rights training, with a specific focus on racist and xenophobic crimes perpetrated by individuals linked to extremist political parties, groups and movements.

D. Internet and social media

89. The Special Rapporteur reiterates his concerns regarding the increased use of the Internet and social media by extremist political parties, movements and groups to promote and disseminate racist content (see A/HRC/26/49). He calls upon States to take all opportunities, including those provided by the Internet, to counter the dissemination of ideas based on racial superiority or hatred and promote the values of equality, non-discrimination, diversity and democracy, while respecting their obligations under articles 19 and 20 of the International Covenant on Civil and Political Rights. States should adopt measures to counter such ideas and biases and strengthen freedom of expression, which plays a crucial role in promoting democracy and combating racist and xenophobic ideologies based on racial superiority.

E. Sports

90. The Special Rapporteur calls upon States to strengthen measures to prevent racist and xenophobic incidents at sporting events. As he indicated in his report to the General Assembly in 2014 (see A/69/340), he further emphasizes the key role of sports in promoting cultural diversity, tolerance and harmony. The Special Rapporteur recommends that States and other relevant stakeholders, such as sports federations, take advantage of such events to promote the values of tolerance and respect. He recalls paragraph 218 of the Durban Declaration and Programme of Action, in which States were urged, in cooperation with intergovernmental organizations, the International Olympic

Committee and international and regional sports federations, to intensify the fight against racism in sport by, among other things, educating young people through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity.

F. Holocaust denial, anti-Semitism and the distortion of history

91. The Special Rapporteur reiterates his absolute condemnation of any denial or attempt to deny the Holocaust and all manifestations of religious intolerance, incitement, harassment or violence against persons or communities on the basis ethnic origin or religious belief. He reiterates his call for the active preservation of the sites that served as Nazi death camps, concentration and forced labour camps and prisons and urges States to take legislative and educational measures to put an end to Holocaust denial. The Special Rapporteur also recalls the responsibility of political leaders to ensure that anti-Semitic acts and rhetoric are thoroughly investigated and properly punished.

G. Civil society and national human rights institutions

92. The Special Rapporteur recalls the importance of cooperating closely with civil society and international and regional human rights mechanisms to effectively counter extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements (see A/71/325). In particular, the role played by civil society in collecting information, working closely with victims and promoting democratic principles and human rights should be emphasized and the sharing of good practices among all relevant stakeholders should continue. He welcomes coordination between governmental structures and civil society in order to maximize efforts on anti-discrimination policies, and he encourages such efforts.

93. The Special Rapporteur also calls upon national human rights institutions to develop appropriate programmes to promote tolerance of and respect for all and to collect relevant information in that regard. He further calls for national specialized bodies and national action plans for the elimination of racism, racial discrimination, xenophobia and related intolerance and for those bodies to closely monitor the phenomenon of Nazism, neo-Nazism, anti-Semitism and Holocaust denial.

H. Role of the media

94. The Special Rapporteur wishes to stress the positive role played by the media in combating the spread of extremist ideas, in particular in combating stereotypes, promoting a culture of tolerance and playing an integrative role by providing space for ethnic minority groups to also have their voice heard.

I. Statistics and disaggregated data

95. The Special Rapporteur reiterates his recommendations made in previous reports concerning the need to collect disaggregated data and statistics on racist, xenophobic, anti-Semitic and homophobic crimes in order to identify the types of offences committed, the characteristics of the victims and of the perpetrators and whether they are affiliated with an extremist political party,

movement or group (see A/70/335). Such disaggregated data would enhance understanding of the phenomenon and help to identify effective measures to be taken to address such crimes. The Special Rapporteur also recalls that the importance of collecting disaggregated data is a component of target 17.18 of the Sustainable Development Goals, on data, monitoring and accountability.

J. General Assembly resolution

96. In conclusion, the Special Rapporteur acknowledges the importance of keeping the present issue on the international agenda, and he would like to reflect upon the work he has undertaken in fulfilment of his mandate on the subject, pursuant to requests made by the General Assembly in its resolutions. The present report of the Special Rapporteur on combating glorification of Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance is the twelfth such report that he has been requested to present, on a yearly basis, to both the General Assembly and the Human Rights Council, and he has always endeavoured to fulfil his mandate with great commitment and understanding. The Special Rapporteur once again reiterates his call to consider alternative measures for continuing to pay attention to the phenomenon, such as streamlining the reporting mandate into one for a single yearly report to the Assembly, where the request for such a special report originated, which would continue to allow for the collection of views through submissions received in accordance with paragraph 47 of resolution 71/179. He therefore again expresses the hope that the Assembly will consider his suggestions in its deliberations and in any future resolution on the topic.